

REMARKS

Claims 51-85 were pending when last examined.

Claim Rejections – 35 USC § 102

Claims 51-85 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,758,257 to Herz et al. (“Herz”). Applicants respectfully traverse the rejections.

Claim 51 recites a user description including a user preference description that has a hierarchical structure to describe preferences for filtering and searching, the hierarchical structure including a parent preference element and one or more child preference elements of the parent preference element, each of the parent and child preference elements including at least one multimedia preference description to identify preferred multimedia content, wherein the parent preference element in the hierarchical structure includes a preference condition that specifies a place to which the parent preference element applies.

Herz discloses a customer profile that can include multiple “moods” to describe different viewing preferences for the same customer. *Col. 17:27-65*. The “moods” of the customer can form a tree, in which a “generic mood” is the root and a “specific mood” is a child of the “generic mood.” *Id.* In Herz, “the moods should be time-specific, i.e., each mood has a time window, within which the mood is effective.” *Col. 17:34-35*. Herz, however, fails to disclose that a parent preference element in the hierarchical structure includes a preference condition that specifies a place to which the parent preference element applies, as required by the claim.

Regarding the claimed preference condition that specifies a place to which the parent preference element applies, the Examiner seems to refer to Herz’s disclosure about

“the step of clustering customer profiles for combinations of customers expected to view the video programs at a particular customer location at particular times on particular days. For example, the clustered profiles for a customer's residence may contain the combined profiles of Mom and Dad in the evening and the combined profiles of the children in the

afternoon. In this embodiment, the agreement matrix determining step comprises the step of using the different clustered customer profiles in accordance with the time of the day and of the week. ” *Col. 5:34-43*.

Herz’s clustered profiles, however, are simply a collection of separate profiles, not a user preference description that has a hierarchical structure, as required by the claim. Furthermore, Herz discloses that the customer profiles for each household are stored in the set top multimedia terminal for that customer’s household. *Col. 25:7-15*. Thus, although Herz’s clustered profiles can be specific to a particular location, the location-specific clustered profiles reside at the specific location. Herz, however, does not disclose that a parent preference element in the hierarchical structure includes a preference condition that specifies a place to which the parent preference element applies.

Because Herz fails to disclose the above discussed claim limitations, claim 51 is allowable. Independent claims 62, 71, 77, 81 and 84 require similar preference conditions, thus they are allowable for at least the same reasons. Dependent claims 51-61, 63-70, 72-76, 78-80, 82, 83, and 85 are allowable for at least the same reasons as their respective base claims.

CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

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4/28/06

Date

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Respectfully submitted,



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April 28, 2006

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